

# Mid-Rivers COMMUNICATIONS



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April 24, 2013

**EX PARTE**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**RE: CONNECT AMERICA FUND, WC DOCKET NO. 10-90; HIGH-COST UNIVERSAL SERVICE SUPPORT, WC DOCKET NO. 05-337 – REPLY TO CENTURYLINK ADDITIONAL CENSUS BLOCK LIST AND RESPONSE TO SPECIFIC CENSUS BLOCK CHALLENGES**

Ms. Dortch:

On January 24, 2013, Mid-Rivers Telephone Cooperative, Inc., d/b/a Mid-Rivers Communications, submitted Reply Comments in response to the Wireline Competition Bureau's Public Notice regarding areas shown as unserved on the National Broadband Map for Connect America Phase I incremental support. In those Reply Comments, Mid-Rivers Communications also challenged CenturyLink's proposed addition of several blocks in the Glendive, Montana study area. On April 15, 2013, CenturyLink submitted an *ex parte* filing to the Commission responding to census block challenges from multiple companies including Mid-Rivers Communications, and also provided yet another updated list of census blocks that they suggest should be added to the Wireline Competition Bureau's list of blocks eligible for the second round of CAF Phase I incremental support.

Mid-Rivers Communications hereby reiterates our challenge to the addition of 55 census blocks in the Glendive, Montana, exchange, to the list of blocks eligible for CenturyLink CAF Phase I support, and also challenges the addition of several other Montana census blocks contained in CenturyLink's April 15, 2013 list of proposed additions. *Mid-Rivers Communications is currently providing broadband service of at least 3Mbps/768Kbps in these blocks (and much higher speeds in many of the challenged blocks) as reflected in the most recent version of the National Broadband Map issued by the National Telecommunications and Information Administration (NTIA) with data as of June 30, 2012.* Maps provided by the State of Montana's National Broadband Mapping contractor illustrating our current National Broadband Map coverage in these blocks are provided in **Attachment A**. A geocoded list of all challenged blocks served by Mid-Rivers is provided in **Attachment B**.

Certain blocks in the Terry and Wibaux, Montana study areas have also received improved broadband speeds as a result of recent upgrades that will be reflected in future National Broadband Map updates. Mid-Rivers is currently capable of providing greater than 3Mbps/768Kbps in two blocks in the Terry exchange and two blocks in the Wibaux exchange that were listed in CenturyLink's April 15, 2013 "Appendix B." The Wibaux updates have been provided to the State of Montana's mapping contractor to be reflected in the next NTIA update showing coverage as of December 31, 2012 (as indicated in the Wibaux Exchange map in Attachment A), and the Terry updates will be reflected in the next round of mapping updates Mid-Rivers will provide (though **3Mbps/768K coverage is available there today**). These four blocks as listed in **Attachment B should also be excluded from CAF Phase I eligibility for the Price Cap carrier.**

Mid-Rivers Communications asserts, and the Commission's actions requesting updates and comments to the mapping data in this proceeding support, that **there is no consumer benefit to setting an arbitrary deadline of December 2011 for the data used to determine the final list of blocks eligible for additional rounds of CAF Phase I incremental support.** The Commission specifically called for updates to the list of blocks from commenters in its December 5, 2012, Public Notice,<sup>1</sup> where it specifically recognized that:

"The National Telecommunications and Information Administration updates the NBM every six months. If the Commission decides to do an additional round of Phase I funding, and the NBM is updated prior to the adoption of such a final rule in response to the FNPRM, the Bureau may incorporate that update, as well as any other relevant information that commenters provide, into its final list of unserved locations eligible for any additional rounds of Phase I incremental support."

The Commission also sought comment on "whether commenters have brought any changes to the attention of the relevant state mapping entity or any other entity, and, if they have, to further describe the outcome of any of those discussions." Each of the updates provided in Mid-Rivers Communications' January 2013 Reply Comments, and the updates provided in **Attachment A** and **Attachment B** to this document, have been reviewed with Montana's state mapping entity. That entity has incorporated Mid-Rivers Communications' updates in the information they have provided to NTIA for the National Broadband Map. In addition, **the Commission also issued updates to the Unserved Fixed Broadband mapping information as a part of this proceeding.**<sup>2</sup>

Mid-Rivers Communications respectfully requests that the Commission **rely on the most current data available** to make an informed decision regarding the use of these limited dollars. The broadband services we provide in these areas of Montana **are there today and most have been available for some**

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<sup>1</sup> Public Notice, WC Docket No. 10-90, WIRELINE COMPETITION BUREAU SEEKS COMMENT ON AREAS SHOWN AS UNSERVED ON THE NATIONAL BROADBAND MAP FOR CONNECT AMERICA PHASE I INCREMENTAL SUPPORT, DA 12-1961, issued December 5, 2012, which stated: "Commenters are encouraged to use these tools in formulating their comments and to provide the Commission an electronic copy of any updates to the list of blocks."

<sup>2</sup> Public Notice, WC Docket 10-90, WIRELINE COMPETITION BUREAU UPDATES THE LIST OF POTENTIALLY UNSERVED CENSUS BLOCKS IN PRICE CAP AREAS AND EXTENDS THE DEADLINE FOR COMMENT ON THE LIST, DA 12-2001, Released December 10, 2012.

**time.** The mapping situations described above, wherein coverage updates may not actually be reflected on the National Broadband Map for several months despite the best efforts of carriers and Mapping Contractors to keep the data as current as possible, ***clearly highlight the need to seek updates to the National Broadband Map and incorporate relevant updates into the record during each phase of CAF implementation.*** In today's broadband environment, we suggest that it is not a prudent course of action to use coverage data that is well over a year old when more recent data is readily available through this filing and our January 2013 Reply Comments. The Commission has promoted the use of a data-driven approach in making these critical funding decisions, so ***it is imperative that the data used is as accurate and up-to-date as possible.***

Mid-Rivers Communications also reiterates our previous recommendation that ***where a census block is partially served by another provider, that block should NOT be automatically eligible for CAF Phase I support to the Price Cap carrier.*** It cannot be assumed that any subscribers in the unserved portion of that block – a block where another provider is already offering service – are best served by the Price Cap carrier, either in terms of efficient levels of support or quality of service. In addition, blocks that may appear “partially served” on a map ***may actually be fully served in terms of the inhabited area*** in very rural areas like Eastern and Central Montana. CAF Phase I support should not be provided to a Price Cap carrier for a portion of a census block that may be currently classified as “unserved” simply because there are no subscribers in that area requesting service. Mid-Rivers suggests that ***support for any blocks in Price Cap carrier areas that are “partially served” by other carriers should be provided through CAF Phase II,*** where the other providers may have an opportunity to bid for the support available to serve subscribers in the remainder of the block.

Respectfully submitted,



BILL WADE  
General Manager

Attachments